

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

BRIAN C. LEWIS (DCBN 476851)
Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, CA 94612
Telephone: (510) 637-3680
Facsimile: (510) 637-3724
E-Mail: brian.lewis@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DAVID BUSBY,)
)
Defendant.)
)
)

No. CR 11-0188 SBA

**STIPULATION AND ORDER TO
CONTINUE TRIAL SETTING
CONFERENCE AND TO EXCLUDE
TIME**

The parties are scheduled to appear before this Court for a trial setting on January 22, 2013. Because the Court is unavailable on this date, and government counsel will be in trial in another case in early February, with the agreement of counsel for both parties and the defendant, the parties now stipulate and ask the Court to find and hold as follows:

1. The trial setting conference in this matter set for Tuesday, January 22, 2013, is continued to on Tuesday, February 7, 2013, at 10:00 a.m.

2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from January 7, 2013 to February 7, 2013. Failure to grant the requested continuance would unreasonably deny the government continuity of counsel and would deny defense counsel

1 reasonable time necessary for effective preparation, taking into account the exercise of due
2 diligence and the need for defense counsel to review discovery and conduct investigation related
3 to the pending charges in this case, including the additional review of electronic evidence being
4 made available to the defense at a government facility.

5 3. Given these circumstances, the Court finds that the ends of justice served by
6 excluding the period from January 7, 2013 to February 7, 2013, outweigh the best interest of the
7 public and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C.
8 § 3161(h)(7)(A).

9 4. Accordingly, and with the consent of the defendant, the Court orders that the period
10 from January 7, 2013 to February 7, 2013, be excluded from Speedy Trial Act calculations under
11 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

12
13 IT IS SO STIPULATED.

14
15 DATED: January 7, 2013


/s/
NED SMOCK
Counsel for David Busby

16
17
18 DATED: January 7, 2013

/s/
BRIAN C. LEWIS
Assistant United States Attorney

19
20 IT IS SO ORDERED.

21
22 DATED: 1/8/13



SAUNDRA B. ARMSTRONG
United States Senior District Judge